

**ENTERED**

July 28, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

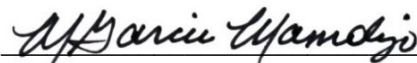
VICTOR MANUEL RIVERA JR., <i>et</i>	§	
<i>al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 5:20-CV-210
	§	
KARRIERS, INC, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ADVISORY**

Plaintiffs filed a notice of dismissal without prejudice as to Defendant Long Shot Trucking, LLC (Dkt. No. 12). The plaintiff in a civil suit may generally dismiss an action without a court order upon the filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). Since the “Fifth Circuit has held that the word ‘action’ in Rule 41 does not mean the entire lawsuit,” a plaintiff may “dismiss individual parties from a suit under Rule 41(a).” *Collier v. Batiste*, No. 05-0019, 2005 WL 3543824, at \*3 (E.D. La. Oct. 21, 2005) (citing *Oswalt v. Scripto, Inc.*, 616 F.2d 191, 195 n.5 (5th Cir. 1980)).

Here, Defendant Long Shot Trucking, LLC has filed neither an answer nor a motion to dismiss. Accordingly, the Clerk of Court is **DIRECTED** to terminate Defendant Long Shot Trucking, LLC from the docket. Plaintiffs’ claims against Defendants Karriers, Inc. and Jon Edward Behle remain pending.

SIGNED July 28, 2021.

  
 Marina Garcia Marmolejo  
 United States District Judge